

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK----- X  
:  
EMPIRE HOLDINGS AND INVESTMENTS,  
LLC,  
:  
:  
Plaintiff,  
:  
-against-  
:  
:  
KCC DESIGN BUILD, INC., d/b/a KCC DESIGN  
+ BUILD,  
:  
:  
Defendant.  
:  
----- X**ORDER DISMISSING  
COMPLAINT FOR LACK OF  
SUBJECT-MATTER  
JURISDICTION**

24 Civ. 4734 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

Plaintiff Empire Holdings and Investments, LLC, a Florida limited liability corporation ("LLC") sues Defendant KCC Design Build, Inc., a New York corporation. *See* Compl. at ¶¶ 11-12. The alleged jurisdictional basis is diversity of citizenship, pursuant to 28 U.S.C. § 1332. *See* Compl. at ¶ 13. LLC are deemed to be citizens of all the states in which their constituents are citizens. *See Handelsman v. Bedford Vill. Assocs. Ltd. P'ship*, 213 F.3d 48, 51 (2d Cir. 2000); *see also Americold Realty Trust v. Conagra Foods, Inc.*, 136 S. Ct. 1012, 1014 (2016) ("While humans and corporations can assert their own citizenship, other entities take the citizenship of their members."). Here, the Complaint has failed to identify each of the members of the underlying LLC and allege their respective citizenships.

The Complaint is dismissed, with leave to replead an adequate basis of diverse citizenship no later than 21 days from the entry of this Order.

SO ORDERED.

Dated: December 4, 2024  
New York, New York
  
ALVIN K. HELLERSTEIN  
United States District Judge